In the High Court of Judicature at Madras

Dated:09.08.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

Civil Miscellaneous Appeal No.2269 of 2006
And C.M.P.No.9072 of 2006

1. Ranganayaki

2. The New India Assurance Company
Ltd., 5 Raja Mill Road
Pollachi. .. Appellants/Respondents

vs.

1. Rajendran
2. Dhanalakshmi .. Respondents/Petitioners

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 10.12.2003 made in MCOP.No.264 of 2001 on the file of Motor Accident Claims Tribunal (Additional District Judge) (Fast Track Court No.V) Coimbatore at Tiruppur.

For appellants : Mr.S. Manohar

For respondents : Mr. S.S. Swaminathan

JUDGEMENT

Aggrieved by the award of the Motor Accident Claims Tribunal, Fast Track Court No.V, Coimbatore at Tiruppur dated 10.12.2003 made in MCOP.No.264 of 2001, the owner and the insurer of the vehicle in question have filed this appeal.

2. In respect of death of one Gopinath in a motor vehicle accident that took place on 18.02.2001, the respondents herein/claimants, prayed for a compensation of a sum of Rs.5 lakhs. The Tribunal, based on the materials placed, passed an award for a sum of Rs.3,82,000/- with interest at the rate of 9% per annum from the date of petition till date of deposit. Questioning the same, present appeal has been filed.

3. Even at the stage of admission, the respondents are represented by counsel. Heard the learned counsel for the appellants as well as respondents.

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4. At the outset, learned counsel appearing for the appellants fairly stated that they are aggrieved only with regard to quantum of compensation determined by the Tribunal. In such circumstances, there is no need to go into the finding relating to negligence aspect.

5. It is the evidence of PW.1, father of the deceased that, according to him, at the time of accident, his son was aged about 13 years. The same was accepted by the Tribunal. Taking note of the age of the deceased and the statement of PW.1, it would be just and reasonable to arrive that the deceased would earn at least a sum of Rs.2,000/- per month and after deducting Rs.500/- towards his personal expenses, his contribution to the family is fixed at Rs.1,500/- per month; annual contribution is Rs.18,000/-. It is not in dispute that proper multiplier to be applied is 15 and accordingly the total pecuniary loss is fixed at Rs.2,70,000/-. The Tribunal has already awarded a sum of Rs.10,000/- each in favour of the claimants towards loss of love and affection. In addition to the same, the claimants are entitled to sum of Rs.5,000/- towards funeral expenses and another sum of Rs.5,000/- towards transport charges for taking the deceased to the hospital and then to their house; altogether, the total compensation payable to the claimants comes to Rs.3 lakhs. Though the Tribunal has granted a sum of Rs.3,82,000/-, I am of the view that a sum of Rs.3 lakhs is just and reasonable. In fact, the learned counsel appearing for the appellants has no serious dispute about the same.

6. Inasmuch as the accident occurred in the year 2001; the Tribunal has passed an award in 2003 and the appellants preferred appeal only in 2006, considering the circumstances prevailing on the date of accident and date of award, I am of the view that grant of interest at the rate of 9% per annum, is just and reasonable and it requires no modification.

In the light of what is stated above, the award of the Tribunal is modified and the claimants are entitled to a sum of Rs.3 lakhs (Rupees three lakhs only) as compensation with interest at the rate of 9% per annum for the said amount from the date of petition till date of deposit. With the above modification, the appeal is disposed of. No costs. Consequently, connected CMP., is closed.

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Sub Asst.Registrar

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To

Motor Accidents Claims Tribunal,
Additional District Judge
Fast Track Court No.V
Coimbatore at Tiruppur.

1 cc To Mr.S.Manohar, Advocate, SR.35540.
1 cc To Mr.S.S.Swaminathan, Advocate, SR.36043.

C.M.A.No.2269/06

KM(CO)
RVL 04.09.2006

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